

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

MAR 21 2007

Case No. 5595
Date Filed 3/16/07
Hearing Date _____
Receipt _____
Fee 450

Shaded Areas for Office Use Only

Type of Application

☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☒ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5595 MAP 33 TYPE Variance

ELECTION DISTRICT 04 LOCATION 1237 Sharon Acres Road, Forest Hill MD

BY Carner and Renee Weaver

Appealed because a variance pursuant to Sec. 267-24B (1) of the Harford County Code to permit a fence to exceed four feet in height (6' proposed) in the AG district requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Carner A. Weaver Jr. Phone Number 410 692 0838
410 459 0953
Address 1237 Sharon Acres Rd. Forest Hill MD. 21050
Street Number Street City State Zip Code

Co-Applicant Renee D. Weaver Phone Number 410 692 0838
Address 1237 Sharon Acres Rd. Forest Hill MD. 21050
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 1237 Sharon Acres Rd.
Forest Hill MD, 21050

Subdivision Sharon Hills Lot Number 2

Acreage/Lot Size 1.03 Acre Election District 4 Zoning Ag./Res.

Tax Map No. 33 Grid No. 2A Parcel 359 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: House : residence. Garage : Home Maintenance
& Storage. 8x10 shed : storage of lawnmower.

Estimated time required to present case: 30 min.

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

We are Applying For a variance TO install a 6' instead
of a 4' chain link fence From The Face of our home-Forward
bordering The Property line.

Justification

Due To The unique Topography of our property The 4' fence
would NOT provide security For our family & our belongings
Note : Please See attached pictures & documentation
to explain.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

CARNER AND RENEE WEAVER
1237 SHARON ACRES RD
FOREST HILL, MD 21050
410-692-0838 (HOME / FAX)
410-459-0953 (CELL)

MARCH 16, 2007

DEAR SIR OR MADAM,

OVER THE YEARS WE HAVE HAD AN INCREASING NEED TO INSTALL A FENCE AROUND OUR ENTIRE PROPERTY AND ARE NOW FINANCIALLY ABLE TO DO SO. WE UNDERSTAND THAT THERE IS A HARFORD COUNTY LAW THAT ONLY ALLOWS THE FENCE FROM THE HOUSE FORWARD TO BE 4 FOOT IN HEIGHT BUT IN OUR SITUATION A 4 FOOT HIGH FENCE WOULD BE INSUFFICIENT FOR OUR SECURITY NEEDS, THEREFORE WE ARE REQUESTING A VARIANCE TO ALLOW US TO EXTEND THE FENCE TO 6 FOOT IN HEIGHT. FOLLOWING IS AN EXPLANATION AS TO WHY WE HAVE THE NEED TO INSTALL THE FENCE AROUND THE ENTIRE PROPERTY AND NOT JUST THE BACK YARD AND MORE IMPORTANTLY WHY WE NEED THE FENCE TO BE 6 FOOT IN HEIGHT.

THE FENCE WILL HAVE A DOUBLE GATE AT THE DRIVEWAY AND RUN JUST INSIDE THE PROPERTY LINES ALONG THE SIDES AND BACK BUT WILL BE 30 FOOT OFF THE ROAD ALONG THE FRONT WHICH WILL BE DONE ACCORDANCE TO THE COUNTIES EASEMENT / RIGHT OF WAY RULE. OUR PROPERTY HAS A STEEP SLOPING GRADE DOWNWARD FROM THE ROAD AND ADJOINING PROPERTIES THEREFORE THIS WILL MAKE A 4 FOOT HIGH FENCE ALMOST EQUAL TO THE SAME HEIGHT AS THE ROAD MAKING IT INSUFFICIENT FOR SECURITY PURPOSES. THIS IS ALSO THE CASE ALONG THE FIRST 50 FOOT ALONG BOTH SIDES. WE ALSO PLAN ON PLANTING EVERGREEN TREES ALONG THE FENCE LINE WHICH WILL BE 6 FOOT TALL INITIALLY, THE SAME HEIGHT AS THE FENCE, DECREASING VISIBILITY OF THE FENCE. THESE TREES WILL GROW 2 TO 4 FOOT PER YEAR.

WE WOULD LIKE TO FENCE THE ENTIRE YARD TO MAKE IT

A MORE SECURE ENVIRONMENT FOR OUR FAMILY SINCE THIEVES CAN JUST AS EASILY BREAK IN TO A HOME THRU THE FRONT OF THE RESIDENCE AS THE BACK WHICH I HAVE READ IN THE AEGIS IS BECOMING MORE COMMON IN THE COUNTY. ALONG WITH DAYTIME BURGLARIES WHERE IN SOME CASES THE RESIDENTS ARE AT HOME AT THE TIME. WE HAVE ALSO PERSONALLY HAD ITEMS IN THE PAST DISAPPEAR OR BE VANDALIZED FROM OUR FRONT YARD AND PORCH. MOST RECENTLY A NEIGHBOR OF OURS HAD HIS GARAGE BROKEN INTO AND ITEMS INCLUDING A POWER GENERATOR WERE STOLEN.

THE OTHER PROBLEM OF CONCERN FOR US IS THAT THE NEIGHBORHOOD KIDS LIKE TO PLAY IN OUR YARD ESPECIALLY IN THE WINTER TIME WHEN IT SNOWS BECAUSE OUR PROPERTY HAS THE BEFORE MENTIONED STEEP SLOPING DOWNWARD GRADE THEY SEE THIS AS A GOOD PLACE TO SLED RIDE. WE HAVE CONSTANTLY ASKED THESE KIDS TO STOP COMING ONTO OUR PROPERTY, SPOKEN WITH THE PARENTS AND POSTED NO TRESPASSING SIGNS BUT TO NO AVAIL NOW THEY HAVE GOTTEN IN THE HABIT OF DOING IT WHEN WE ARE NOT HOME WHICH IS EVIDENT BY THE SLED MARKS AND FOOTPRINTS LEFT BEHIND IN THE SNOW. WE HAVE ALSO ON NUMEROUS OCCASIONS HAD OTHER NEIGHBORS TELL US THEY HAVE SEEN KIDS IN OUR YARD. THIS LEAVES US CONSTANTLY WORRIED THAT ONE OF THESE KIDS WILL GET HURT ON OUR PROPERTY AND THEIR PARENTS WILL TRY TO SUE US. WE HAVE ALSO RECENTLY FOUND BEER AND WINE COOLER BOTTLES ALONG WITH A USED CONDOM BEHIND OUR GARAGE AT THE BACK OF THE PROPERTY WHICH NOW HAS MOTION SPOTLIGHTS.

IN THE PICTURES ATTACHED IT WILL SHOW THE UNIQUE STEEP SLOPING DOWNWARD CONDITION OF OUR YARD AND SHOW THAT BY INCREASING THE FENCE HEIGHT BY 2 FOOT WILL IN NO WAY OBSTRUCT OR INTERFERE WITH ANY AUTO TRAFFIC OR THE SURROUNDING PROPERTIES. ALSO ATTACHED IS A LANDSCAPE DIAGRAM TO SHOW PLACEMENT OF FENCE AND TREES, PLOT PLANS, MAPS AND AERIAL VIEWS OF THE AREA WHICH WE HOPE WILL AID IN THE DECISION PROCESS.

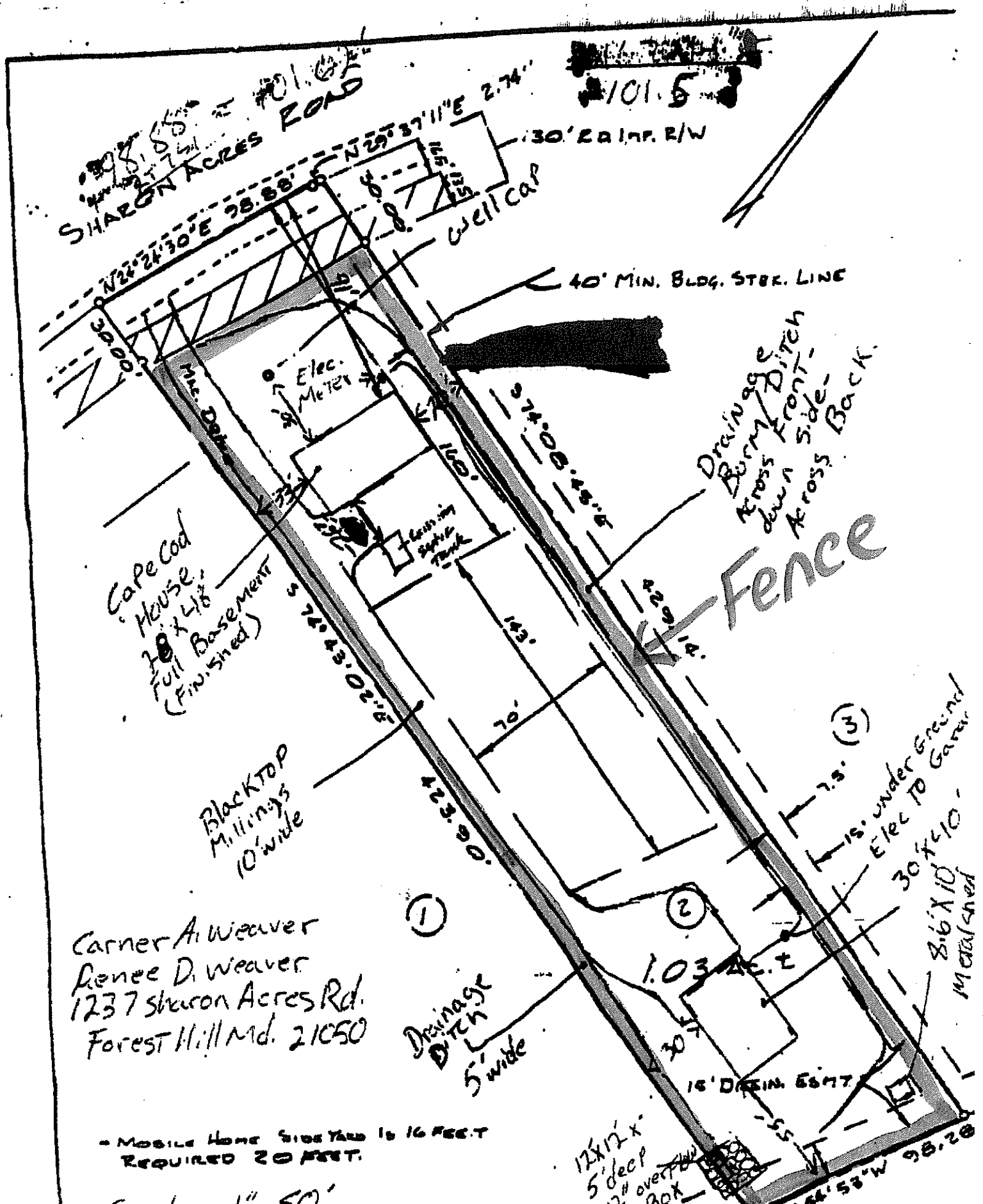
PLEASE GIVE US A CALL IF THERE IS ANY OTHER

CONCERNS OR QUESTIONS YOU MAY HAVE.

THANK YOU FOR YOUR TIME AND CONSIDERATION OF THIS
MATTER.

SINCERELY,

CARNER A. WEAVER JR. AND RENEE D. WEAVER



SHARON ACRES ROAD

101.5

30' R.O.W.

well cap

40' MIN. BLDG. STRK. LINE

Cape Cod House
20' x 48'
Full Basement
(Finished)

Blacktop Millings
10' wide

Carner A. Weaver
Renee D. Weaver
1237 Sharon Acres Rd.
Forest Hill Md. 21050

Drainage Ditch
5' wide

Drainage Ditch
Cross Front
down side
Across Back

Fence

(3)
15' under Ground
Elec TO Garage
30' x 40'
8'6" x 10'
Metal shed

MOBILE HOME SITES ARE 16 FEET
REQUIRED 20 FEET.

12' x 12' x 5' deep
over 20' x 20'

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

April 13, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5595

APPLICANT/OWNER: Carner A Weaver Jr.
1237 Sharon Acres Road, Forest Hill, Maryland 21050

Co-APPLICANT: Renee D. Weaver
1237 Sharon Acres Road, Forest Hill, Maryland 21050

REPRESENTATIVE: Applicants

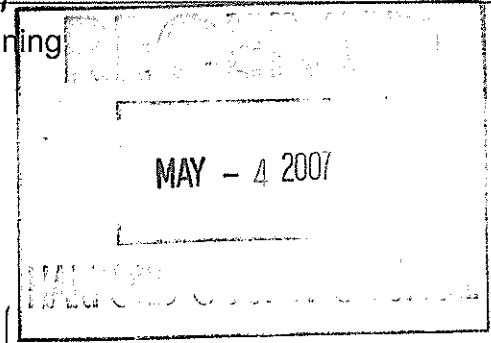
LOCATION: 1237 Sharon Acres Road – Sharon Hills Subdivision
Tax Map: 33 / Grid: 2A / Parcel: 359 / Lot: 2
Election District: Four (4)

ACREAGE: 1.03 acres

ZONING: AG/Agricultural

DATE FILED: March 16, 2007

HEARING DATE: May 23, 2007



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"We are applying for a variance to install a 6 foot instead of a 4 foot chain link fence from the face of our home forward bordering the property line."

Justification:

~ Preserving Harford's past; promoting Harford's future ~

STAFF REPORT

Board of Appeals Case Number 5595

Carner & Renee Weaver

Page 2 of 4

"Due to the unique topography of our property the 4 foot fence would not provide security for our family and our belongings. Note: Please see attached pictures and documentation to explain." (Attachment 1)

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-24B(1) of the Harford County Code to permit a fence to exceed four feet in height (6 foot proposed) in the AG/Agricultural District.

Section 267-24B(1) of the Harford County Code reads:

B. Fences and walls. Fences and walls may be located in required yards in accordance with the following:

- (1) Front yards. For single-family detached units, walls and fences shall not exceed four feet in height above the ground elevation. Where fences and walls are an integral part of the unit design and are applied in a consistent and coordinated pattern throughout the project, fences and walls may be constructed to a maximum of six feet above ground elevation. For continuing care retirement communities, consistent and coordinated fencing or walls may be constructed to a maximum of eight feet above ground elevation provided strategically located gates are provided for emergency access.*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located on the east side of Sharon Acres Road approximately 900 feet north of Bailey Road. The lot is part of a 4 lot subdivision, recorded as Sharon Hills. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located outside of the Development Envelope. The predominant land use designation in this area is Agricultural. The Natural Features Map reflects Stream Systems, Sensitive Species Project Review Areas, and Agricultural Preservation Districts and Easements. The subject property is designated Agricultural which is defined by the 2004 Master Plan as:

***Agricultural** – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.*

STAFF REPORT

Board of Appeals Case Number 5595

Carner & Renee Weaver

Page 3 of 4

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in this area conform to the overall intent of the Master Plan. The predominant land use is Agriculture which includes cropland, pastureland, and large areas of dense woodland. There are no major residential developments in the area. The topography of the area ranges from rolling to steep especially near the stream valleys and their tributaries. Enclosed with the report is a copy of the Topography map and the aerial photograph (Attachments 6 and 7).

The lot is part of a 4 lot subdivision located on the east side of Sharon Acres Road, recorded in 1972 as Sharon Hills-Section One (Attachment 8). The property is long and narrow and approximately 1.03 acres in size. The lot slopes down from the road sharply to an area just in front of the house. Improvements on the property consist of a 2 story dwelling. Because of the topography the dwelling is 3 stories out of the ground in the rear. Located to the rear of the property is a large 2-car garage. The driveway runs down the right side of the lot with a parking area immediately to the rear of the dwelling, and continues to the rear of the lot with parking areas in front of the garage and to the right side of the garage. The well is located to the front of the house and the septic system is located to the rear of the dwelling. There is a row of pine trees across the front of the lot and the proposed fence will be to the outside of the tree row. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 9 and 10).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification in this area is AG/Agricultural. There are areas of RR/Rural Residential and VB/Village Business and VR/Village Residential. The subject property is zoned AG/Agricultural as shown on the enclosed zoning map (Attachment 11).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-24B(1) of the Harford County Code to permit a fence to exceed four feet in height (6 foot proposed) in the AG/Agricultural District.

Section 267-24B(1):

- C. *Fences and walls. Fences and walls may be located in required yards in accordance with the following:*

STAFF REPORT

Board of Appeals Case Number 5595

Carner & Renee Weaver

Page 4 of 4

- (1) *Front yards. For single-family detached units, walls and fences shall not exceed four feet in height above the ground elevation. Where fences and walls are an integral part of the unit design and are applied in a consistent and coordinated pattern throughout the project, fences and walls may be constructed to a maximum of six feet above ground elevation. For continuing care retirement communities, consistent and coordinated fencing or walls may be constructed to a maximum of eight feet above ground elevation provided strategically located gates are provided for emergency access.*

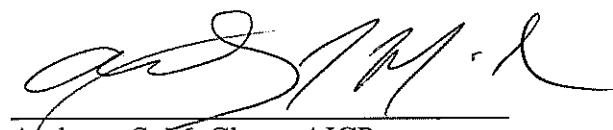
Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique based on the existing topography. The fence will appear to be less than 6 feet high because of the steep grade near the road. The fence will not adversely impact traffic or adjacent properties.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the Applicant obtaining all necessary permits and inspections.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf